

# ***WISCONSIN LEGISLATIVE COUNCIL STAFF***

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 98-188**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

### **2. Form, Style and Placement in Administrative Code**

a. Please review the rule to ensure that titles are written in the proper format. Section titles should be written with an initial capital letter and in bold print. [s. 1.05 (2) (b), Manual.] Paragraph titles should be written with an initial capital letter and be italicized. [s. 1.05 (2) (d), Manual.]

b. In s. HFS 13.03 (12) (c), “the” should replace “such.”

c. In s. HFS 13.05 (6) (a), “subs.” should replace “sub.”

d. In s. HSS 129.07 (2) (f) 2. g., “of a client” should be inserted after “neglect” to reflect the text of the current rule.

e. In s. HSS 129.10 (2), because s. HSS 129.10 (2) (b) is being repealed, par. (a) should be renumbered sub. (2) (intro.) and the subdivisions should be renumbered as paragraphs.

f. The treatment clause for SECTION 11 should indicate that the note is being amended.

**4. Adequacy of References to Related Statutes, Rules and Forms**

- a. In s. HFS 13.04 (1) (a) 1. and (b) 1., it appears that the reference to s. HFS 13.05 (6) (c) should be to s. HFS 13.05 (7) (b).
- b. In s. HFS 13.05 (3) (b), it appears that the reference to par. (c) should be to par. (a).
- c. In s. HSS 129.07 (2) (f) 2. g., the new material should refer to the specific provisions of ch. HFS 13 that define “abuse” and “neglect.”
- d. In the note to s. HSS 129.10 (1), the reference to s. 146.40 (4) (g), Stats., should be to s. 146.40 (4g), Stats.

**5. Clarity, Grammar, Punctuation and Use of Plain Language**

- a. In s. HFS 13.03 (1) (a) 3., “either” should be deleted.
- b. In s. HFS 13.03 (1) (b), “under” should be replaced with “in violation of” or “Sexual intercourse or sexual contact” should be replaced with “Sexual assault.”
- c. In s. HFS 13.03 (1) (c), “by order of a court or other lawful authority” is confusing. Since restraint is permitted under current law under certain circumstances, it would be clearer to replace “other lawful authority” with “as permitted by statute.”
- d. Section HFS 13.03 (1) (e) should be deleted or expressed in another way. Any act could be an act that does not constitute self-defense.
- e. In s. HFS 13.03 (5), “2 lists,” could be deleted.
- f. In s. HFS 13.03 (12) (b), “In this paragraph,” should be inserted at the beginning of the second sentence.
- g. In s. HFS 13.04 (2) (e), “brief” should be deleted.
- h. In s. HFS 13.04 (3), “the person’s social security number” should be inserted after “With the exception of.”
- i. In s. HFS 13.05 (3) (e), “be required to” should be inserted before “forfeit.”
- j. In s. HFS 13.05 (7) (b) 2., “within” should be deleted so that the date by which an appeal must be filed is clear.
- k. In s. HFS 13.05 (8) (b) 2. e., should “persons” replace “parties”? This subdivision paragraph is presumably not limited to parties to an action.